

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MICHAEL JOHNSON,
Plaintiff,

Case No. 1:20-cv-157
McFarland, J.
Litkovitz, M.J.

vs.

BRYAN LAWLESS,
Defendant.

ORDER

Plaintiff, an inmate incarcerated at the Toledo Correctional Institution, brings this pro se action for violations of his civil rights under 42 U.S.C. § 1983. Plaintiff was granted leave to proceed *in forma pauperis* and the complaint was filed on April 29, 2020. (Docs. 7, 8). After defendant had filed an answer to the complaint (Doc. 17), plaintiff sought leave to file an amended complaint. (Doc. 22). Plaintiff also filed a document captioned “Opposition to the defendant, Bryan Lawless Answer.”¹ (Doc. 25). Defendant moves to strike plaintiff’s reply to his answer under Fed. R. Civ. P. 12(f). (Doc. 29). Defendant argues that the pleadings were closed when he filed his answer, and plaintiff’s reply in opposition to the answer is not a permissible pleading under Fed. R. Civ. P. 7(a)(7). Plaintiff opposes the motion to strike. (Doc. 32).

Motions to strike are governed by Fed. R. Civ. P. 12(f), which provides that a court “may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” Fed. R. Civ. P. 12(f). Rule 7(a) sets forth the only pleadings that are allowed, which include “a reply to an answer” if ordered by the court. Fed. R. Civ. P. 7(a)(7).

¹ The Court denied plaintiff’s motion for leave to amend the complaint on September 21, 2020. (Doc. 31).

By the plain language of the rule, a reply to an answer is not permissible unless the court has ordered one. *Id.*

Here, plaintiff filed a reply to defendant's answer without an order from this Court. Consequently, plaintiff's filing is not permitted by the Federal Rules of Civil Procedure.

Defendant's motion to strike plaintiff's reply to the answer (Doc. 29) is **GRANTED**. The Clerk is **DIRECTED** to strike plaintiff's "Opposition to the defendant, Bryan Lawless Answer" (Doc. 25) from the record.

IT IS SO ORDERED.

Date: 10/14/2020


Karen L. Litkovitz
United States Magistrate Judge